



**DEPARTMENT OF THE AIR FORCE**  
**WASHINGTON DC**

Office Of The Under Secretary

12 November 1998

MEMORANDUM FOR SEE DISTRIBUTION

FROM: SAF/IAD

SUBJECT: Foreign Disclosure Advisory 36 - Foreign Disclosure Review/Authorization  
Requirements for Unclassified Information

- References:
- (a) NDP-1 - National Disclosure Policy
  - (b) DoDD 5230.11 - Disclosure of Classified Military Information to Foreign Governments and International Organizations
  - (c) ITAR - International Traffic in Arms Regulations (22 U.S.C. 2778)
  - (d) AFI 16-201 - Disclosure of Military Information to Foreign Governments and International Organizations
  - (e) AFI 61-204 - Disseminating Scientific and Technical Information
  - (f) AFI 37-131 - Freedom Of Information Act Program
  - (g) AFI 35-205 - Air Force Security and Policy Review Program
  - (h) AFI 31-701 - Program Protection Planning

The purpose of this advisory is to clarify existing guidance in reference (d) concerning unclassified information that must be reviewed/authorized by a designated foreign disclosure officer for release to foreign governments and international organizations, and to provide guidance on unclassified information that may be released without disclosure review/authorization.

National Disclosure Policy applies to classified military information (CMI) and to unclassified technical data with military or space application. Reference (e) defines technical data as any information that can be used or adapted for use to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning that equipment.

Unclassified information that fits the reference (e) definition of technical data is commonly referred to as "controlled unclassified military information" (CUMI) or as "export controlled technical data." To avoid confusion and to standardize terminology, USAF foreign disclosure officers should use "controlled unclassified military information." Examples of CUMI

include engineering drawings, standards, specifications, technical orders, technical manuals, blueprints, designs, test procedures/reports, computer documentation and software, databases, models and simulations, and photographs.

Only a designated disclosure officer may authorize release of CMI or CUMI to foreign governments and international organizations. All such disclosures must be within the limits of disclosure authority delegated by SAF/IAD. If in doubt as to whether certain unclassified data is CUMI, ask the following question: "Is the information used by Air Force or defense industry personnel to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning that equipment?" If the answer is yes, the information is CUMI. Another test is to answer the question, "Does the information convey technical know-how or intellectual property with military or space application?" A yes answer means the information is CUMI.

Air Force personnel may not authorize or recommend release of CUMI to the general public since public disclosure is tantamount to providing uncontrolled foreign access. CUMI is exempt from release to the public under reference (f). If tasked to respond to a Freedom of Information Act (FOIA) case that involves CUMI, Air Force personnel should recommend denial based on exemption 3 (other statutes) and cite reference (c). The same statute should be used to withhold CUMI from release through the Public Affairs Security and Policy Review Program. (Reference g)

CUMI is export controlled in accordance with reference (c). US commercial enterprises must have a State Department approved export license in order to transfer CUMI to a foreign person on a direct commercial basis. USG agencies may grant exemptions to reference (c) in certain limited circumstances. Disclosure officers must coordinate with SAF/IAD before sponsoring/authorizing exemptions for US commercial enterprises.

The definition of CUMI does not include information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges and universities or information in the public domain. Public domain information as defined in reference (c) is information which is published and generally accessible to the public. CUMI also does not include general information on the function, purpose, and general capabilities and characteristics of defense equipment. For example, unclassified information briefings and fact sheets on the roles, missions, organization and capabilities of Air Force units and equipment.

Information that has been properly approved for public release, or other unclassified information which is not CUMI as defined in this memo, may be released to foreign governments and international organizations without foreign disclosure review/authorization under the following circumstances:

- a. The purpose of release must be for information only or the proposed disclosure must be within the scope of an existing international program.
- b. In order to avoid creating possible false impressions of US intent, a disclaimer statement similar to the following must be conspicuously displayed at the front/beginning of

information pertaining to defense equipment and associated acquisition, training and logistic support services:

“This briefing/presentation/document is for information only. No US Government commitment to sell, loan, lease, co-develop or co-produce defense articles or services is implied or intended.”

c. The originator of the information must consent to its release.

Disclosure review/authorization is required if the release is intended to lead to, or could eventually lead to, disclosure of classified or controlled unclassified information.


AFI 31-701 (Reference h) requires completion of a Technology Assessment and Control Plan (TA/CP) including a Delegation of Disclosure Authority Letter (DDL) for all acquisition programs that will have foreign cooperation, co-production, or military sales. However, NDP-1 only applies to classified and controlled unclassified information. Reference (b) states that a DDL should be used to provide disclosure guidance to subordinate commands for release of CMI and CUMI. Therefore, the AFI 31-701 requirement to include a DDL in the TA/CP for international programs must be interpreted to apply only to programs that involve release of CMI or CUMI. A DDL is not required for release of public domain or other unclassified information that is not CUMI.

Addressees should disseminate this memo to the units/activities they support. SAF/IAD encourages disclosure officers to assist Air Force personnel to understand and interpret requirements for release of unclassified information.

According to the National Disclosure Policy, it is in the national interest to expedite decisions on disclosure of classified information. Therefore, disclosure officers will give priority to requests/proposals to release classified or controlled unclassified information. Assistance regarding release of unclassified information that is not CUMI may be provided to requesting offices time and resources permitting.

The guidance contained in this memo will be incorporated in the next revision to AFI 16-201.

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